

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

FIDENCIO VALDEZ §
VS. § CIVIL ACTION NO. 9:21cv273
JAIME ESPARZA §

MEMORANDUM OPINION AND ORDER

Fidencio Valdez, an inmate confined at the Polunsky Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed what has been construed as a civil rights action pursuant to 42 U.S.C. § 1983 against Jaime Esparza. Plaintiff states the defendant is the former district attorney of El Paso County, Texas.

Discussion

The Civil Rights Act, 42 U.S.C. § 1981, *et. seq.*, under which this case is brought, does not contain a specific venue provision. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391.

When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where the defendants resides or in which the claim arose. Plaintiff's claims involve events that occurred in El Paso County. His claims therefore arose in El Paso County. In addition, the defendant appears to reside in El Paso County.

Pursuant to 28 U.S.C. § 124, El Paso County is located in the El Paso Division of the United States District Court for the Western District of Texas. As a result, venue in the Eastern District of Texas is not proper.

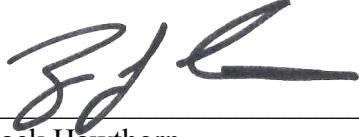
When it is determined venue is not proper, the court "shall dismiss, or if it be in the interests of justice, transfer such case to any district or division in which it could have been brought." 28 U.S.C. § 1406(a). After considering the matter, the court is of the opinion that this matter should be transferred to the Western District of Texas.

ORDER

For the reasons set forth above, it is

ORDERED that this lawsuit is **TRANSFERRED** to the El Paso Division of the United States District Court for the Western District of Texas.

SIGNED this 26th day of April, 2022.



Zack Hawthorn
United States Magistrate Judge